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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,285	03/12/2004	David W. Farchmin	11003.00026.03AB047	1291
7590 Susan M. Donahue Rockwell Automation Inc. 704-P 1201 South Second Street Milwaukee, WI 53204-2496			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT 2433	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,285

Applicant(s)

FARCHMIN ET AL.

Examiner

WILLIAM GOODCHILD

Art Unit

2433

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54 and 56-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54 and 56-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see response, filed 03/22/2011, with respect to the rejection(s) of claim(s) 54 and 56-73 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 54, 56-59, 62-64 and 68-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Bohannon, (US Patent No. 6,847,856).

Regarding claim 54, Bohannon discloses a method for use with at least first and second resources to be arranged to perform a process within a space, the method for validating likely correct resource communications and comprising the steps of: providing a rule set including rules that indicate probable relative resource positions [Bohannon, column 5, lines 54-65 and column 6, lines 17-53]; specifying that a first resource communicates with a second resource [Bohannon, column 5, lines 32-46]; identifying the relative juxtapositions of the first and second resources [Bohannon, column 5, lines 32-65]; determining if the relative juxtapositions of the first and second resources are consistent with the rule set [Bohannon, column 5, lines 32-65]; and where, the relative juxtapositions of the first and second resources are inconsistent with the rule set, performing a secondary function [Bohannon, column 6, lines 36-50 and figure 4, item 48].

Regarding claim 56, Bohannon further discloses wherein the rule set indicates a maximum distance between the second resource and a reference point within the space such that, when the distance between the reference point and the second resource is greater than the maximum distance, the relative juxtapositions of the first and second resources are inconsistent with the rule set [Bohannon, column 6, lines 17-53].

Regarding claim 57, Bohannon further discloses wherein the reference point is the location of the first resource [Bohannon, column 6, lines 17-53].

Regarding claim 58, Bohannon further discloses wherein the secondary function is to indicate that the specified communication is improbable [Bohannon, column 6, lines 17-53].

Regarding claim 59, Bohannon further discloses wherein the method is performed in real time as a resource is added to a sub-set of resources to perform the process [Bohannon, column 6, lines 17-53].

Regarding claim 62, Bohannon further discloses wherein the environment includes an automated manufacturing facility [Bohannon, column 5, lines 32-34].

Regarding claim 63, Bohannon further discloses a method for use with at least first and second resources to be arranged to perform a process within an environment, the method for validating likely correct resource communications and comprising the steps of: providing a rule set including rules that indicate probable relative resource positions [Bohannon, column 5, lines 54-65 and column 6, lines 17-53]; specifying a first spatial relationship between first and second resources [Bohannon, column 5, lines 54-65 and column 6, lines 17-53];

determining if the specified spatial relationship between the first and second resources is consistent with the rule set [Bohannon, column 5, lines 54-65 and column 6, lines 17-53]; and

where the specified spatial relationship between the first and second resources is inconsistent with the rule set, performing a secondary function [Bohannon, column 6, lines 17-53 and figure 4, item 48].

Regarding claim 64, Bohannon further discloses wherein the environment includes an automated manufacturing facility [Bohannon, column 5, lines 32-54].

Regarding claim 68, Bohannon further discloses a method for use with a plurality of resources to be linked via a network within an environment to perform a process and a processor running a program to control the process, the program including at least one of a program input and a program output tag for each of the resources, the method for facilitating association of tags and resources and comprising the steps of: associating a space within the environment with the process [Bohannon, column 5, lines 54-65 and column 6, lines 17-53];

providing at least a first information device that includes a processor [Bohannon, column 5, lines 46-53];

determining the location of the information device within the environment [Bohannon, column 5, lines 46-65]; and

when the information device is proximate at least a sub-space within the space, using the processor to automatically perform the steps of [Bohannon, column 5, lines 54-65 and column 6, lines 17-53]:

identifying the resources to be positioned within the sub-space [Bohannon, column 5, lines 47-65 and column 6, lines 17-53];

identifying the tags associated with the resources [Bohannon, column 5, lines 47-65 and column 6, lines 17-53]; and

indicating the tags associated with the resources [Bohannon, column 5, lines 47-65 and column 6, lines 17-53].

Regarding claim 69, Bohannon further discloses identifying the resource to the network and indicating one of the tags via the information device that is to be associated with the resource [Bohannon, column 5, lines 47-65 and column 6, lines 17-53] and, wherein, the method further includes the step of associating the identified resource with the indicated tag [Bohannon, column 5, lines 47-65 and column 6, lines 17-53].

Regarding claim 70, Bohannon further discloses wherein the step of identifying the resource includes linking the resource to the network [Bohannon, column 5, lines 47-65 and column 6, lines 17-53].

4. Claims 54, 56-59, 62-64 and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemelson et al., (US Publication No. 2003/0208302), (hereinafter Lemelson).

Regarding claim 54, Lemelson discloses a method for use with at least first and second resources to be arranged to perform a process within a space, the method for validating likely correct resource communications and comprising the steps of: providing a rule set including rules that indicate probable relative resource positions [Lemelson, paragraphs 19, 23 and 27];

specifying that a first resource communicates with a second resource [Lemelson, paragraphs 19-20 and 27];

identifying the relative juxtapositions of the first and second resources [Lemelson, paragraphs 19-20, 22 and 27];

determining if the relative juxtapositions of the first and second resources are consistent with the rule set [Lemelson, paragraph 27]; and

where, the relative juxtapositions of the first and second resources are inconsistent with the rule set, performing a secondary function [Lemelson, paragraph 27].

Regarding claim 56, Lemelson further discloses wherein the rule set indicates a maximum distance between the second resource and a reference point within the space such that, when the distance between the reference point and the second resource is

greater than the maximum distance, the relative juxtapositions of the first and second resources are inconsistent with the rule set [Lemelson, paragraph 27].

Regarding claim 57, Lemelson further discloses wherein the reference point is the location of the first resource [Lemelson, paragraph 29].

Regarding claim 58, Lemelson further discloses wherein the secondary function is to indicate that the specified communication is improbable [Lemelson, paragraph 27].

Regarding claim 59, Lemelson further discloses wherein the method is performed in real time as a resource is added to a sub-set of resources to perform the process [Bohannon, column 6, lines 17-53].

Regarding claim 62, Lemelson further discloses wherein the environment includes an automated manufacturing facility [Lemelson, paragraph 3].

Regarding claim 63, Lemelson further discloses a method for use with at least first and second resources to be arranged to perform a process within an environment, the method for validating likely correct resource communications and comprising the steps of: providing a rule set including rules that indicate probable relative resource positions [Lemelson, paragraphs 19 and 20];

specifying a first spatial relationship between first and second resources [Lemelson, paragraphs 19 and 20];

determining if the specified spatial relationship between the first and second resources is consistent with the rule set [Lemelson, paragraphs 19-20, 22 and 27]; and where the specified spatial relationship between the first and second resources is inconsistent with the rule set, performing a secondary function [Lemelson, paragraph 27].

Regarding claim 64, Lemelson further discloses wherein the environment includes an automated manufacturing facility [Lemelson, paragraph 3].

Regarding claim 68, Lemelson further discloses a method for use with a plurality of resources to be linked via a network within an environment to perform a process and a processor running a program to control the process, the program including at least one of a program input and a program output tag for each of the resources, the method for facilitating association of tags and resources and comprising the steps of: associating a space within the environment with the process [Lemelson, paragraphs 19-20 and 27]; providing at least a first information device that includes a processor [Lemelson, paragraph 23]; determining the location of the information device within the environment [Lemelson, paragraphs 19-20 and 27]; and

when the information device is proximate at least a sub-space within the space, using the processor to automatically perform the steps of [Lemelson, paragraphs 19 and 23]: identifying the resources to be positioned within the sub-space [Lemelson, paragraph 27]; identifying the tags associated with the resources [Lemelson, paragraphs 19-20 and 27]; and indicating the tags associated with the resources [Lemelson, paragraphs 19-20 and 27].

5. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson as applied to claim 54 above, and further in view of Plumer et al., (US Publication No. 2001/0049595), (hereinafter Plumer).

Regarding claim 60, Lemelson does not specifically disclose wherein the method is performed in batch after a sub-set of resources has been configured to perform the process.

However, Plumer discloses that both continuous and batch processing applied at different levels [Plumer, paragraph 89].

It would have been obvious to one having ordinary skill in the art at time the invention was made to include batch processing in order to provide a level of functioning for each

step of the process that is best suited for that step. It would have been obvious to combine Plumer with Lemelson as Plumer also relates to automation systems processes.

6. Claims 61 and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson as applied to claim 54 above, and further in view of Baker, (International Publication No. WO01/82032).

Regarding claim 61, Lemelson further discloses determine relative positions of the first and second resources [Lemelson, paragraphs 19 and 20].

Lemelson does not specifically disclose correlating logical network addresses with space locations and wherein the step of identifying the relative positions of the first and second resources includes specifying a network address for each of the first and second resources, determining the locations of the first and second resources from the correlated information.

However, Baker discloses network addressing of devices, the devices able to communicate with each other with a means for identifying the physical location so that the physical location is used as an address of the device [Baker, page 2, lines 9-24].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include network addresses for the devices in order to provide a system for allowing devices to communicate over a network. It would have been obvious to combine Baker with Lemelson as Baker relates to automation systems with devices using network addresses.

Regarding claim 65, Lemelson-Baker further discloses a method for use with a plurality of resources to be arranged to perform a process, the method for validating likely correct resource communication and comprising the steps of:
providing a rule set including rules that indicate probable relative resource positions [Lemelson, paragraphs 19-20 and 27];
correlating logical network addresses with environment locations [Baker, page 2, lines 9-24];
specifying first and second network addresses for a first and a second resources, respectively [Baker, page 2, lines 9-24];
specifying that the first resource communicates with the second resource [Lemelson, paragraphs 19-20 and 27];
identifying the network addresses of the first and second resources [Baker, page 2, lines 9-24];

using the network addresses [Baker, page 2, lines 9-24] of the first and second resources to determine the relative positions of the first and second resources [Lemelson, paragraphs 19-20 and 27];

determining if the first and second resource relative positions are consistent with the rule set [Lemelson, paragraphs 19-20 and 27]; and

where the relative positions of the first and second resources are inconsistent with the rule set, performing a secondary function [Lemelson, paragraphs 19-20 and 27].

Regarding claim 66, Lemelson-Baker further discloses wherein the rule set indicates a maximum distance between the first and second resources such that, when the distance between the first and second resources is greater than the maximum distance, the relative positions of the first and second resources are inconsistent with the rule set [Lemelson, paragraphs 19-20 and 27].

Regarding claim 67, Lemelson-Baker further discloses wherein the step of performing a secondary function includes indicating an improbable resource configuration [Lemelson, paragraphs 19-20 and 27].

7. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon as applied to claim 70 above, and further in view of Opaterny, (US Publication No. 2004/0073850).

Regarding claim 71, Bohannon does not specifically disclose wherein the information device includes a display and wherein the step of identifying the tags includes providing a list of the tags and the step of indicating one of the tags includes selecting one of the tags from the list.

However, Opaterny in the same field of endeavor discloses an automation system for use that module identifiers presently of interest, and the locations where they are used are first selected from a reference list and displayed [Opaterny, paragraphs 7 and 9]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a display for choosing a identifier from a list in order to provide the user with the ability to assign identifiers to a device (module) and then be able to obtain a location on that device. It would have been obvious to combine Opaterny with Bohannon as Opaterny is related to automation systems.

8. Claims 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon as applied to claim 69 above, and further in view of Baker.

Regarding claim 72, Bohannon-Baker does not specifically disclose wherein each of the resources is associated with a network address and wherein the step of associating includes determining the resource address and correlating the resource address with the tag.

However, Baker discloses network addressing of devices, the devices able to communicate with each other with a means for identifying the physical location so that the physical location is used as an address of the device [Baker, page 2, lines 9-24].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include network addresses for the devices in order to provide a system for allowing devices to communicate over a network. It would have been obvious to combine Baker with Bohannon as Baker relates to automation systems with devices using network addresses.

Regarding claim 73, Bohannon-Baker further discloses wherein the process is repeated for each resource to be located within the sub-space [Baker, page 2, lines 9-24, plurality of devices].

Conclusion

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J. Goodchild/
Examiner
Art Unit 2433